UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,939	04/03/2001	Mikko Rinne	975.328USW1	1545

32294 7590 10/21/2004

SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER, VA 22182

EXAMINER	
VINCENT, DAVID ROBERT	
ART UNIT	**PAPER NUMBER**
2661	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/824,939	RINNE ET AL.	
	Examiner	Art Unit	
	David R Vincent	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 8-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/3/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The drawings are objected to because all elements in the figures and flow-charts are required to be distinctly labeled with appropriate legend. 37 CFR 1.84 (o). Correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Roobol (US 6,307,867).

As shown in Figs. 2, 7-10, Roobol discloses a signaling method for a link protocol (col. 7, lines 25-60; Figs. 7-10), encapsulating data units in a PDU (RLC PDU, e.g., col. 7, lines 25-60; Figs. 6, 8), using a predetermined sequence number (e.g., determining the number at the source, mobile or BS before sending the data to the physical layer, Figs. 6, 8-9 and respective disclosure), signaling a control function (e.g., using number to determine which data unit was lost in error, how to put them back in order, what order to transmit them, when to tell the upper layers to send more data, etc. col. 7, lines 25-60; Figs. 7-10), a mobile (300, Fig. 7 and respective disclosure), a RNC (260, Fig. 7 and respective disclosure), a signaling transmitting means (240, mobile BS, Fig. 7), sequence numbering means (source numbers sequences, and transmits them, 260, 280, mobile, col. 7, lines 25-60; Figs. 7-10), receiver/signal receiver means (mobile/BS take turns being the receiver, antennas are receivers, front ends are receivers, microprocessors in the units are a means to control the processes or receiving, signaling, and processing the data according to the OSI model, e.g., Figs. 8, 2), sequence number reading means (destination reads number to put data units back in order and to indicate

which data units were lost or contain errors, Figs. 6-10, col. 7, lines 25-60; Figs. 7-10), as specified in claims 1, 8-12.

Claim Rejections - 35 USC § 102

3. Claims 1, 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Huttunen (US 6,671,287).

As shown in Figs. 1-7, Huttunen discloses a signaling method for a link protocol (LLC gets encapsulated into RLC, then MAC, Fig. 3, 4, or 6), encapsulating data units in a PDU (RLC PDU, e.g., Fig. 3, 4A-6), using a predetermined sequence number (BSN in RLC data block Figs. 4-6 e.g., col. 7, line 48-col. 9, line 36, especially col. 7, lines 48-67; determining the number at the source, mobile or BS before sending the data to the physical layer, Figs. 4-6 and respective disclosure), signaling a control function (e.g., using number to determine which data unit was lost in error, how to put them back in order, what order to transmit them, when to tell the upper layers to send more data, etc. col. 7, line 48-col. 9, line 36), a mobile (150, Fig. 1 and respective disclosure), a RNC (168, Fig. 1, and respective disclosure), a signaling transmitting means (100, Fig. 1; mobile or BS, Fig. 1), sequence numbering means (a source numbers the sequences, and transmits them,

mobile/BS, Fig. 1; col. 7, line 48-col. 9, line 36), receiver/signal receiver means (mobile/BS take turns being the receiver, antennas are receivers, front ends are receivers, microprocessors in the units are a means to control the processes or receiving, signaling, and processing the data according to the OSI model, e.g., Figs. 1-3), sequence number reading means (destination reads number to put data units back in order and to indicate which data units were lost or contain errors), as specified in claims 1, 8-12.

4. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 571 272 3080. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571 272 3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/18/04

David R Vincent
Primary Examiner
Art Unit 2661

October 18, 2004